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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,988	06/25/2003	Anthony J. Wasilewski	A9286	5349

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SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

NOTIFICATION DATE	DELIVERY MODE
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06/20/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

Office Action Summary	Application No. 10/602,988	Applicant(s) WASILEWSKI ET AL.	
	Examiner LONGBIT CHAI	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/24/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/10/2008 has been entered.

Priority

2. Applicant's claims for benefit of Continuation-in-part of Application priority date under 35 U.S.C. 120 is acknowledged.

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

The application is filed on 6/25/2003 but all of the claims 1 – 20 are not solely directed to originally supported subject matter present in the parent application (for example, related to partially-dual-encrypted data stream) such as newly amended claims 1, 7 and 15 “encrypting the selected digital bit stream according to a second encryption method to provide a second encrypted stream wherein the second encryption method is different from the first encryption method”.

However, the later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of

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35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

As a result, the earliest beneficial filing date for claims 1 – 20 as the effective filing date for the subject matter defined in the pending claims in this application are **7/31/1998** as claimed by the parent application 09/126,783 and 09/126,921.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wasilewski (U.S. Patent 5,418,782), which is derived from its patent publication 102(b) date on 23 May 1995, and in view of Colvin (U.S. Patent 6,041,123).

As per claim 1, 7 and 15, Wasilewski teaches a method for providing a program in a conditional access system, the method comprising the steps of:

selecting a digital bit stream from a plurality of digital bit streams (Wasilewski: Figure 1 and Column 4 Line 65 – Column 5 Line 7 and Column 13 Line 65 – Column 14 Line 5: (a) one or more bit streams of audio, video and data streams can be selected for encryption (Wasilewski: Figure 1 and Column 4 Line 65 – Column 5 Line 7: i.e. partial encryption per audio, video and data streams from a transport stream) and besides, (b) each type of audio, video and data streams is uniquely assigned a packet ID (PID) (Wasilewski: Column 13 Line 65 – Column 14 Line 5);

encrypting a first portion of the selected digital bit stream (see the same rejection rationale as above) according to a first encryption method (see Colvin below) to provide a first encrypted stream;

encrypting a second portion of the selected digital bit stream (see the same rejection rationale as above) according to a second encryption method to provide a second encrypted stream wherein the second encryption method is different from the first encryption method (see Colvin below).

However, Wasilewski does not disclose expressly the first encryption method is different from the second encryption method of the selected digital bit stream.

Colvin teaches the first encryption method is different from the second encryption method the selected digital bit stream (Colvin: Column 50 Line 5 – 7: each data element in the streams of data to be encrypted (to be scrambled) using a different method).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Colvin within the system of Wasilewski because (a) Wasilewski teaches each data element in a transport stream can be selectively encrypted based on its type of service components such as data / audio / video (Wasilewski : Column 4 Line 58 – 67, Column 14 Line 4 – 7 and Column 13 Line 57 – 59), and (b) Colvin teaches providing an enhanced security mechanism for the data packet streams by allowing each data element in the streams of data to be encrypted (to be scrambled) using a different method (Colvin: Column 50 Line 5 – 7).

multiplexing the first encrypted stream, the second encrypted stream, and the plurality of digital bit streams to provide a partially-encrypted stream (Wasilewski: Column 5 Line 1 – 7 and Column 4 Line 65 – 67: multiplexing is equivalent to combining); and

transmitting the partially-encrypted stream (Wasilewski: Column 6 Line 17 – 20).

As per claim 3, 6, 9, 12, 17 and 20, Wasilewski teaches the selected digital bit stream includes a plurality of packets, and wherein each packet includes a packet identifier identifying whether the packet is at least one of a video stream, an audio stream, and a data stream (Wasilewski: Figure 1 and Column 4 Line 42 – 52, Column 13 Line 65 – Column 14 Line 5 and Column 4 Line 65 – 67: (a) one or more service components, such as video (V), audio (A), and data (CC) can be encrypted / or not-encrypted prior to transmission – i.e., any part of transport stream can be encrypted and (b) using a packet identifier to select for encryption selects the plurality of digital bit streams by identifying a plurality of predetermined packet identifiers for the portion of encryption packets).

As per claim 4 and 18, Wasilewski teaches the selecting step selects the digital bit stream by identifying a predetermined packet identifier (Wasilewski: Column 13 Line 57 – 67 and Column 4 Line 65 – 67: each packet ID is uniquely associated with a particular elementary digital bit stream / basic service (Video, Audio, Data) and any one or more service components of a given elementary digital bit stream / basic service can be encrypted prior to transmission (i.e. partially encrypted)).

As per claim 8 (and claims 5, 10, 11 and 19), Wasilewski teaches each of the plurality of elementary bit streams includes a plurality of packets, wherein each packet includes a packet header that is indicative of at least one of a video stream, an audio stream, and a data stream (Wasilewski: Column 13 Line 57 – Column 14 Line 16 Column 4 Line 65 – 67 and Figure 1).

As per claim 13 and 14, Wasilewski teaches the first encryption method comprises 3DES and the second encryption method comprises DES (Examiner notes Official Notice is taken

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that the use of DES or 3DES is a well-known encryption mechanism available in the field).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONGBIT CHAI whose telephone number is (571)272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Longbit Chai/

Longbit Chai Ph.D.

Primary Examiner, Art Unit 2131

5/10/2008